



City of Carmel

CARMEL PLAN COMMISSION SPECIAL STUDIES COMMITTEE TUESDAY, NOVEMBER 1, 2005

The Special Studies Committee of the Carmel Plan Commission met on November 1, 2005 at 6:00 PM in the Caucus Rooms of City Hall, Carmel, Indiana.

Members present: Jerry Chomanczuk, Wayne Haney, Mark Rattermann, Steve Stromquist, and Madeleine Torres, thereby establishing a quorum.

Matt Griffin, Planning Administrator attended the Committee meeting on behalf of the Department of Community Services. John Molitor, Legal Counsel was also present.

The Special Studies Committee considered the following items:

1. **Docket No. 05080008 ADLS Amend: KinderCare Learning Center Signage**

The applicant seeks approval for a new ground sign.

The site is located at 10616 Lakeshore Dr. and is zoned S-2.

Filed by Bill Hutchison for Hutchison Signs and Electric Co.

TABLED TO DECEMBER

2. **Docket No. 05100024 ADLS Amend: Burger King Outdoor Seating**

The applicant seeks approval to remove existing playground and landscaping and install outdoor seating and new landscaping.

The site is located at 613 E. Carmel Drive and is zoned B8.

Filed by Bill Beckett of WT Corporation for Burger King.

Bill Beckett, WT Development, appeared before the Committee representing the applicant. Richard Mense, project manager for Facility Solutions was also present.

The ADLS Amendment for Burger King will allow the removal of the existing playground structure/equipment and replace with outdoor seating and the installation of new landscaping. The brick piers and wrought-iron fencing will also be replaced.

The petitioner has submitted plans of the facility. The front yard will be opened up—grass will be added as well as new landscaping and perennials. A concrete patio will be added with brick accents. The outdoor seating will consist of concrete tables. Mr. Beckett stated that the color of

the patio seating would be tan or brown to accent the exterior paint that was approved last month.

This particular site contains 17 trees that are a combination of deciduous and evergreens. Mr. Beckett compared other businesses in the immediate area with the Burger King and felt that the recommendation of the Urban Forester for more trees was not warranted.

Department Comments, Matt Griffin. The existing ADLS approvals for this site consist of one that is ten years old, and one that is 20 years old. Obviously, there were different buffer yard standards and landscape requirements in place at those times. At this point, it is not only the Department's but Scott Brewer's feeling as well that if new landscaping is to be installed, there is a good opportunity now to bring this closer in line with the current buffer yard standards. That is not completely possible with the lot configuration, but there is room for additional plantings. The Department would prefer a revised landscape plan that takes into consideration Scott Brewer's comments that are closer to the current buffer yard standards. The Department could review this and the Committee could vote on this next month.

Colors were discussed for the concrete seating. The three colors approved last month for the façade and the tables should complement and work with the building façade selections.

Mr. Beckett reported that he had very specific instructions from the Corporate Office to get the proposed plan approved. Corporate would like to include the work in the 2005 budget.

No trees are being removed as a part of this plan. The overgrown arborvitae will be removed. Scott Brewer is asking for four (4) Honey Locust trees in the seating area and the petitioner was opposed to that, saying that the leaves and pollen would get into the ventilation system for the restaurant and it would be a pain.

Matt Griffin responded that trees also would provide shade for the outdoor seating area and make the area more inviting. With the removal of the arborvitae, the area becomes a lot more open and the tables are highly visible.

NOTE: Any umbrellas proposed for the tables would have to have approval from this Committee as far as color, materials, and signage or writing on them.

Madeleine Torres commented that the proposal may not be to current standards, but it is an improvement over the existing play structure—this is a 20-year old building!

Mark Rattermann made formal motion to approve **Docket No. 05100024 ADLS Amend, Burger King Outdoor Seating**, seconded by Steve Stromquist, **APPROVED 5-0.**

3. **Docket No. 05100018 ADLS Amend: Spring Mill Medical Signage**

The applicant seeks approval for a new directory sign and 2 new directional traffic signs. The site is located at Southwest corner of 103rd and Illinois and is zoned B-3. Filed by Paul Reis for Drewry Simmons Vornehm for Spring Mill Medical, LLC

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Paul Reis, attorney, Drewry Simmons Vornehm, 8888 Keystone Crossing, Suite 1200 appeared before the Committee representing the applicant.

The petitioner is seeking approval for a new directory sign on the Spring Mill Medical Building that houses the IU medical group. Approval is also being requested for two new directional signs that would facilitate better travel within the site and assist patients, visitors, and vendors to find the appropriate office.

The proposed monument sign is one-sided and is to be installed at the north entrance to the building. The sign will be parallel to the right-of-way of Illinois Street. The face of the sign is opaque with the exception of the copy. The height of the sign is 3.25 feet and the sign area is 13 square feet—both within the Ordinance.

The additional two signs are on the canopy and further supplements the information shown on the directory sign. The signs also show where deliveries are to be made to the rear of the building. Under the Ordinance, these signs are traffic directional signs and are not to exceed three square feet and only three feet above the ground. The signs are approximately 13 square feet in sign area. If the Committee is comfortable approving these signs, it would be conditioned upon the petitioner going to the Board of Zoning Appeals for a variance to allow the two signs on the canopy.

Department Comments, Matt Griffin. The proposed ground sign (Directory Sign) currently meets the sign ordinance as far as size. Wherever the sign is located, it must be at least five feet away from the right-of-way. Also, the two directory signs will need to have a Variance from the BZA for the size and location. The Department is recommending approval after all concerns have been addressed.

Mark Rattermann expressed confusion by the two signs. The sign that reads “north entrance #3” direction and the west entrance arrow almost look like two entrances at the same location. Mark suggested that the sign be moved to the inside of the canopy on the back wall or some other location to say “west entrance around the corner,” or some such thing.

Paul Reis said he would talk with his client and recommend re-locating the sign either to the back side of the canopy or the grassy knoll area would be even better and more clear.

Matt Griffin commented that whether or not the sign would be permitted depends on the size—if it is on the ground, three feet up, or put it where they think it is most visible and ask for a variance for that location.

Paul Reis asked that both signs as presented be approved with the request and then Paul Reis and his client would work with David Littlejohn at DOCS on the signs.

Mark Rattermann moved for approval of **Docket No. 05100018 ADLS Amend, Spring Mill Medical Signage**, with the recommendation that the sign on the west entrance be moved to the ground beyond the canopy, seconded by Steve Stromquist, **APPROVED 5-0**.

4. Docket No. 05080023 ADLS Amend: Two Parkwood - Firestone Signage

The applicant seeks approval for a new wall sign.

The site is located at 310 E 96th St. is zoned B-6.

Filed by Steve Granner for Bose McKinney & Evans LLP.

CONTINUED TO DECEMBER

5. Docket No. 04090045 ADLS: O'Malia Fireplace.

The applicant seeks approval of a building and parking lot expansion. The site is located at 220 South Range Line Road. The site is zoned B-1/Business.

Filed by Paul Reis of Drewry Simmons Vornehm, LLP for Helen J. O'Malia Trust.

CONTINUED TO FEBRUARY

Update: Paul Reis advised the Committee that the O'Malia's will be sitting down with the Redevelopment Commission and Pedcor in order to determine whether or not they can reach an agreement for access from the north side. If this can be accomplished, a curb cut would not be necessary onto Range Line Road and the site plan could be changed. Most likely, the petitioner will go back to the Plan Commission with a revised site plan.

If, however, the O'Malia's do not reach an agreement with Pedcor and the Redevelopment Commission, they will have to have a curb cut on Range Line Road and the site plan already presented could be brought back before the Committee or the full Commission to re-introduce it. As of now, nothing is going on—no meetings have been scheduled. This will come to a head because the parking lot will be torn out soon—something will happen.

6. Docket No. 05060013 ADLS Amend: Carmel Office Park – Building 4

The applicant seeks to construct a 10,105 square foot office/warehouse building and associated parking.

The site is located at 389 Gradle Drive and is zoned I1 (Industrial).

Filed by Mark Settlemire of Foresight Engineering.

CONTINUED TO DECEMBER

7. Docket No. 05050003 Z: Fortune Rezone – CONTINUED TO JAN 3, 2006

The applicant seeks to rezone 43.6 acres from S1 to PUD for the purpose of developing a site with single family homes, townhomes, and limited commercial uses. The site is located at 2555 W 131st Street and is zoned S1.

Filed by Charlie Frankenberger

8. Docket No. 05080042 DP/ADLS Amend: Covenant Commercial Buildings

The applicant seeks site plan and building approval for 2 buildings.

The site is located at 611 & 621 N Range Line Rd and is zoned B-5/Business within the Old

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Town Overlay- Character Sub-area.

Filed by Adam DeHart of Keeler-Webb Assoc. for Eric Snedecker.

Adam DeHart, Keeler-Webb Assoc., 418 Gradle Drive, Carmel appeared before the Committee representing the applicant. Eric Snedecker was also in attendance.

The petitioner is proposing to install windows where the overhead doors were located; blue awnings will be above those windows. A brick wainscot around the building will also be installed. The brick is red.

No new outdoor lighting has been proposed—there are some existing incandescent bulbs at the entry doors and those will be maintained. No parking lot lighting or down-lighting will be added. The use for this facility will be normal business hours—daylight operation only.

As far as signage is concerned, there is an existing sign for the proposed tenant on the north building. The sign is detailed on the landscape plan—essentially it will be centered on the lots and appropriately off-set from the right-of-way.

Department Report, Matt Griffin. There are some concerns, one being the landscape plan showing the required and recommended changes as per the Urban Forester. The Department of Engineering has requested a site plan that reflects their comments and concerns (made after the TAC meeting.) Usually, the Department receives approved plans from Engineering and the Urban Forester before moving an item on to the Plan Commission for approval. Lastly, the signage as shown no longer complies with the Old Town Sign Overlay. The sign must be suspended, 12 square feet, one post cantilevered off of it.

Point of Note: Matt Griffin referred to a letter from the City Engineer to the petitioner that the petitioner call out the 45 feet of right-of-way, and confirm that it has been dedicated or will be dedicated.

Jerry Chomanczuk said he did not feel comfortable approving this item without the Engineering Dept. having full say and approval. Another concern, minor in nature, is the blue awnings—fabric would be acceptable, but not vinyl.

The petitioner demonstrated the vinyl covering over the fabric awning—Jerry Chomanczuk was agreeable.

Mark Rattermann moved for approval of **Docket No. 05080042 DP/ADLS Amend (ADLS portion only) Covenant Commercial Buildings**, subject to approval of the Engineering Department and approval from the Urban Forester, seconded by Steve Stromquist, **APPROVED** 4 in favor, one opposed (Torres.)

Following a short recess, the meeting continued with the business at hand.

9. Docket Nos. 05080009 SP & 05080010 DP: Carmel Science & Tech Park, blk 7

The applicant seeks approval for a development plan and 5 new lots.

The site is located southeast of Carmel Dr & Adams St and is zoned M-3/Manufacturing.

Filed by Mike DeBoy of DeBoy Land Development Services, Inc.

Kevin Roberts, Mike DeBoy Land Development Services, Inc. appeared before the Committee representing the applicant. The petitioner is seeking to subdivide the subject property in as many as 5 parcels, total. One concern raised in an earlier meeting was the connection to Carmel Drive.

This situation has been discussed with Gary Duncan of the Carmel Engineering Dept. and there would be certain conditions to allowing the connection to Carmel Drive. However, in subsequent conversations with the developer, it was decided that the connection to Carmel Drive is not necessary. Restricting the access to Carmel Drive was a prime topic, and the petitioner wanted to keep the local street as it is with **right in/right out access only** to City Center Drive.

Department Report, Matt Griffin. The petitioner has been good to work with and has told Engineering that they are OK with making the required and recommended alterations to their plan. However, Engineering has yet to receive a revised set of drawings. The petitioner has even gone the extra mile to remove the Carmel Drive access. The only outstanding issue is the final construction drawings.

With the Committee's approval this evening, the access points will be off the local street.

Mark Rattermann made formal motion to forward **Docket No. 05080010 DP, Carmel Science & Technology Park, Block 7** to the full Plan Commission with a recommendation for approval, subject to Engineering approval, seconded by Madeleine Torres, Approved 5-0.

10. Docket No. 05080039 DP/ADLS : West Carmel Marketplace - Home Depot

The applicant seeks site plan and building approval.

The site is southeast of 99th St. & Michigan Rd. and is zoned B-3/Business within the US 421 Overlay. Filed by Mary Solada of Bingham McHale for Home Depot.

Ann Marie Varga, Bingham, McHale appeared before the Committee representing the applicant. Jim Peck, Engineer with Civil Designs, and Jeff Nance, Architect.

This particular Home Depot is the only brick Home Depot in the State of Indiana. The building is red/orange brick with stone and EFIS accents. The garden center is bricked off with gated windows for ventilation. The loading docks are screened with solid wall and extensive landscape has been used throughout. A variance has been requested for landscaping at the rear where the loading docks are (foundation landscaping.)

The lighting will match the balance of the Marketplace Center.

Signage: Variances have been filed for the signage. The Home Depot sign has been reduced as much as possible by removing "The." There will be signs for the location of the nursery, tool rental, contractor storage, etc. In order to have those directional signs on the building, it will require a variance for both the number and area. There will be a sign for the front of the building that is technically off Commerce Drive, not on the actual front.

In addition, there is a Variance on file for the projections. There are some requirements in the 421 Overlay for how much and how often a building must project from a flat building plane.

Home Depot has submitted a list of commitments they are willing to make for the neighbors who surround the site. There has been a lot of discussion since the last Commission meeting between

the neighbors, Home Depot, and the petitioner's attorney; the discussion centered on noise issues.

Ann Marie Varga went over the list of commitments tendered by Home Depot. Idling of trucks will be prohibited between the hours of 7:00 PM and 7:00 AM. Outdoor loading and off-loading will not occur after 9:00 PM or before 7:00 AM. The only outdoor loading/unloading that occurs at Home Depot is in the lumber area and in the garden center, and Home Depot is willing to restrict those hours. The balance of the loading/unloading is all interior from the dock. The outdoor speaker will be limited to 7:00 AM to 7:00 PM and limited to the garden center only.

Some up-grades have been proposed to the landscaping that are above and beyond what has been submitted. Home Depot is willing to do a mound with a solid board-on-board fence on top of the mound on the east and south sides in order to provide an additional level of noise buffering to the neighborhood.

Jeff Nance addressed the Committee regarding the projections. The projections are basically pilasters along the front of the buildings. The pilasters extend 8 feet from the face of the building, give it articulation and break the scale down somewhat. The vestibule/lumber canopy extends up to 50 feet from the building and helps break up some of the mass of the building. Some detailing has been included along the front and side of the garden center that protrude away from the main wall to give it some articulation. That particular requirement along the rear of the building may be a little excessive due to the fact that that particular area is used for circulation of vehicles and not serving a function of aesthetics. Some of the pilaster details have been added along the rear of the building, but they only project out 8 inches from the building.

The materials are brick and pre-cast stone. Any doors will be painted to match the brick material. There is very little EFIS on the building, approximately 17% of the building façade. Some of the metal trim around the vestibule is anodized aluminum storefront. The windows in the garden center wall are basically in-fill with the wire/metal mesh painted black with steel pickets every 6 inches on center.

The photo-metric plan has been up-dated to illustrate the extension of the photo-metrics well beyond the property boundary on to the adjacent residential properties. Some of the neighbors were concerned with light spillage.

Jim Peck, Home Depot, said a lot of the plan contains extensive landscaping between the neighbors. Additional mounding with fencing will be installed and the fencing will be extended all the way across the southern boundary to give a sight-line barrier for the residents. The petitioner is waiting to hear comments from Scott Brewer, the Urban Forester.

Department Report, Matt Griffin. All structures within the 421 Overlay must comply with the 421 Overlay requirements. The Department would rather see a re-design that actually complies with the Overlay. The lighting plan has been submitted and there is a slight error on it. The lighting plan should be revised as well—there are higher than permitted light levels in the right-of-way of Commerce Drive. Light levels need to be kept down to point three candle-lights.

Scott Brewer has asked for certain revisions in the landscape plan and the petitioner has not yet complied. The variances will be before the Board of Zoning Appeals on November 28th.

Jerry Chomanczuk commented that at full Plan Commission, this item was left open for the benefit of the public and anyone wishing to speak could do so at this time.

Karen Burcham, 10224 Bosloe Court, Spring Arbor Subdivision, distributed commitments that were sent to her by Mary Solada and are significantly different from those tendered by Home Depot. The biggest concern of the neighborhood is that Home Depot is not limiting the loading/unloading and de-coupling overnight; trucks will be backing up and beeping, and there will still be a lot of noise. Initially there were no deliveries after 7:00 PM and before 7:00 AM and now there are deliveries between those hours. Also, the neighborhood is concerned about a wooden fence as opposed to a masonry wall. The neighbors did not want a wooden fence that would require maintenance in the future. Finally, the commitments submitted by Home Depot are not specific and leave a lot of leeway. The neighbors are pleased with the Home Depot design but would like to have a relationship that is comfortable enough to know that their property values would not decrease and they can continue to enjoy their yards in the warm months.

Committee Comments/Questions:

Mark Rattermann asked if the neighbors had had a chance to review the commitments prior to the meeting this evening.

Ms. Burcham responded that the commitments were sent to her today at 3:30 and she has not had a chance to forward them to the neighbors.

Mark Rattermann also asked if the Home Depot is attached to another building?

Ann Marie Varga said the Home Depot store would be attached to the building to the north. The building that will attach to Home Depot will be Block G.

Steve Stromquist commented on the way the process works. Trucks are brought in—in the middle of the night—they drop off a full one and pick up the empty trailer that was dropped the night before.

Jerry Chomanczuk said it was totally useless not to include work in the truck well—work inside the building can be done 24 hours—the issue is the truck and the building. There must be some kind of movement or delivery during that process. If the trucks have beepers when backing up, that would account for most of the noise.

Also, outdoor speakers are a concern. The technology today does not require an outdoor speaker system; most employees carry a pager or walkie-talkie.

Jim Peck responded that Home Depot would limit the use of the outdoor speakers from 7:00 AM to 7:00 PM.

Jerry Chomanczuk asked the petitioner to explore the outdoor speaker situation and be prepared to explain the need.

Mark Rattermann commented about the board-on-board fence—if the fence were brick on top of a berm, it would be very unstable.

Matt Griffin said the Department would review the proposed façade changes and make additional comments as appropriate. The Department would still like to see a fully approved landscaping plan from Scott Brewer. The petitioner is to make certain there are no light levels above point three in the right-of-way.

Jerry Chomanczuk noted that the public hearing will remain open for public comment. The petitioner has addressed most items to the best of their ability. The Committee would like to see the outdoor speaker issue addressed.

Karen Beachum asked about a City Ordinance that would prohibit night deliveries.

Mark Rattermann said this would be very difficult; the only reason has been the beepers on trash trucks. Overnight deliveries bring in a whole myriad of companies, for instance, car dealerships get deliveries at night. There is no Ordinance against night deliveries; Mr. Rattermann said he would not support one.

Docket No. 05080039 DP/ADLS, West Carmel Marketplace-Home Depot was Continued to the December 6, 2005 meeting of the Special Studies Committee.

11. Docket No. 05090001 OA: Parking Ordinance Amendment

The applicant seeks to amend the Zoning Ordinance, *Chapter 27: Additional Parking & Loading Regulations*, in order to modify parking standards.

Filed by the Carmel Department of Community Services.

Matt Griffin of the Department of Community Services addressed the Committee. The new copy for this proposed Ordinance Amendment was highlighted in yellow with red mark-through. The yellow denotes the parts that have been added. Shared parking language has been moved.

Currently, we are allowing on-street spaces to be substituted—two on-street spaces per three of off-site, on-site spaces.

There are increased parking requirements for a conference center and added requirements for additional parking spaces in multi-tenant, attached dwelling units.

Karen Ryg, City Engineering was available to answer any questions the Committee had as far as the Bicycle Language. The Committee had no issues with the Bicycle Language portion and felt that it was not a problem.

Mark Rattermann made formal motion to forward **Docket No. 05090001 OA, Parking Ordinance Amendment** to the Plan Commission with a recommendation for approval, seconded by Steve Stromquist, Approved 5-0.

There was no further business to come before the Committee and the meeting was adjourned at 8:40 PM.

Jerry Chomanczuk, Chairperson

Ramona Hancock, Secretary